

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
IN ADMIRALTY

Civil Action No.: 7:22-CV-00041-BO

SHM SHV, LLC)
Plaintiff,)
v.)
S/V KELLY ALLEN, Hull Identification)
Number XDYQ0151M80F, USCG)
Official No. 657833, her masts, sails,)
rigging, engines, anchors, furniture,)
equipment, appurtenances, etc., *in rem*,)
and ROBERT S. GRIFFITH II,)
in personam,)
Defendants.)
_____)

ORDER

This matter is before the Court on the Plaintiff's Motion for Disbursement of Proceeds of the Sale of the *in rem* Defendant.

In this action, Plaintiff sought to foreclose on a maritime lien against the S/V KELLY ALLEN, Hull Identification Number XDYQ0151M80F, USCG Official No. 657833, her masts, sails, rigging, engines, anchors, furniture, equipment, appurtenances, etc. (the "KELLY ALLEN"), *in rem*, and also for any deficiency from the *in personam* Defendant Robert S. Griffith II.

Notice of the arrest of the KELLY ALLEN was timely and properly served upon all interested persons.

No party, person, or entity has made an objection or an appearance in this action on behalf of the *in rem* Defendant KELLY ALLEN or the *in personam*

Defendant Robert S. Griffith II within the time prescribed by the Local Admiralty Rule E.12(g).

On July 25, 2022, an Order for Interlocutory Sale of S/V KELLY ALLEN and for Publication of Notice Thereof and For Permission to Bid Without Depositing Cash was entered by this Court.

On August 10, 2022 and August 17, 2022, pursuant to the above-referenced order, Publication of Notice of said sale was made in the *Wilmington Star-News*.

On August 23, 2022 at the U.S. Courthouse located at 1003 South 17th Street, Wilmington, NC 28401, the KELLY ALLEN, was sold free and clear of all encumbrances to Harper Peterson for \$10,500.00 pursuant to the above-referenced Order. Harper Peterson deposited the cash sum of \$1,050.00 with the U.S. Marshal at said sale, as required by the aforecited Order and subsequently paid the remaining balance to the U.S. Marshal.

On October 25, 2022, the Order Confirming Sale without Motion was entered.

Based on the representations to the Court and for good cause shown,

IT IS HEREBY ORDERED that the Clerk of Court is DIRECTED to disburse \$10,500 plus any accrued interest by check payable to Plaintiff SHM SHV, LLC in care of Cranfill Sumner PLLC, P.O. Box 1950, Wilmington, NC 28402, and that upon the distribution of the funds, the Clerk of Court is DIRECTED to close the case.

SO ORDERED this the 7 day of February 2023.


UNITED STATES DISTRICT JUDGE